SIP at the time of enactment in relationship to the requirements of the 1990 CAAA. This is consistent with the Savings Clause for existing plan provisions (section 110(n)(1)). If the nonattainment area had a part D plan that was approved prior to enactment, the EPA will not require a new part D SIP. For these areas, a new part D SIP will not be required regardless of whether the attainment date for the area had passed at the time of encactment of the 1990 CAAA. However, if the approved plan was not a part D plan, the State will have to submit a complete part D plan to EPA for approval because part D plans are requried for nonattainment areas (section 191(b)).

Policy clarification is also needed concerning the status of areas that lack approved part D plans and that contain a SO_2 emission source that has permanently shut down. A minimum of two actions are required for States wishing to establish that these areas are inoperative for SIP purposes.

The first action is that the State must provide EPA with sufficient evidence to establish that the source has in fact been permanently shut down. Three criteria exist for establishing permanent source shutdown. These criteria require proof that the source has been inoperative for at least the 2 preceding years, that the source is precluded from resuming operations, and that the source has been withdrawn from the State's emissions inventory.

The second action is that the State must establish that fully-approved NSR and PSD programs are in place so that the source would be required to undergo NSR prior to start-up if it were reactivated.

After the State has completed these actions, EPA will consider additional plan requirements of such areas on a case-by-case basis. Alternatively, the State may choose to submit complete part D plans to EPA for these areas. As discussed in a previous section on redesignation, section 107(d)(3) provides that a nonattainment area must meet all the requirements set forth in section 107(d)(3)(E), including a maintenance plan consistent with section 175A, before it may be redesignated to attainment. The EPA recognizes that this issue is of immediate concern to some States and Regions. The EPA will issue guidance concerning plan requirements and redesignation requirements in the future.

(b) *Issues*—(1) *RACT.* For most criteria pollutants, RACT is control technology that is reasonably available considering technological and economic feasibility (see memorandum from R. Strelow, December 9, 1976). The definition of RACT for SO_2 is that control technology which is necessary to achieve the NAAQS (40 CFR 51.100 (o)). Since SO_2 RACT is already defined as the technology necessary to achieve NAAQS, control technology which failed to achieve the SO_2 NAAQS would, by definition, fail to be SO_2 RACT.

The EPA intends to continue defining RACT for SO_2 as that control technology which will achieve the NAAQS within statutory timeframes.

(2) *RFP.* Section 171(1) of the amended Act defines RFP as "such annual incremental reductions in emissions of the relevant air pollutant as are required by this part (part D) or may reasonably be required by EPA for the purpose of ensuring attainment of the applicable national ambient air quality standard by the applicable date." This definition is most appropriate for pollutants which are emitted by numerous and diverse sources, where the relationship between any individual source and the overall air quality is not explicitly quantified, and where the emission reductions necessary to attain the NAAQS are inventory-wide. The definition is generally less pertinent to pollutants such as SO_2 which usually have a limited number of sources, relationships between individual sources and air quality which are relatively well defined, and emissions control measures which result in swift and dramatic improvement in air quality. That is, for SO_2, there is usually a single "step" between pre-control nonattainment and post-control between pre-control nonattainment and post-control attainment.

Therefore, for SO_2, with its discernible relationship between emissions and air quality and significant and immediate air quality improvements, RFP will continue to be construed as "adherence to an ambitious compliance schedule." [50]

(3) *Contingency measures.* Section 172(c)(9) of the amended Act defines contingency measures as measures in a SIP which are to be implemented if an area fails to make RFP or fails to attain the NAAQS by the applicable attainment date. Contingency measures become effective without further action by the State or EPA, upon determination by EPA that the area has failed to (1) make reasonable further progress or (2) attain the SO_2 NAAQS by the applicable statutory deadline. These contingency measures shall consist of other available control measures that are not included in the control strategy.

The EPA interprets the contingency measure provisions as primarily directed at general programs which can be undertaken on an areawide basis. Again, SO_2 presents special considerations. First, for some of the other criteria pollutants, the analytical tools for quantifying the relationship between reductions in precursor emissions and resulting air quality improvements remain subject to significant uncertainities, in contrast with procedures for pollutants such as SO_2. Second, emission estimates and attainment analyses can be strongly influenced by overly-optimistic assumptions about control efficiency and rates of compliance for many small sources. In contrast, controls for SO_2 are well understood and are far less prone to uncertainty. Since SO_2 control measures are by definition based upon what is directly and quantifiably necessary to attain the SO_2 NAAQS, it would be unlikely for an area to implement the necessary emissions control yet fail to attain the NAAQS. Therefore, for SO_2 programs, EPA interprets "contingency measures" to mean that the State agency has a comprehensive program to identify sources of violations of the SO_2 NAAQS and to undertake an aggressive follow-up for compliance and enforcement, including expedited procedures for establishing enforceable consent agreements pending the adoption of revised SIP's.

This definition of minimum contingency measures for SO_2 does not preclude a State from requiring additional contingency measures that are enforceable and appropriate for a particular source or source category.

(4) *Stack height issues and remand.* Three provisions of the stack height rules have been remanded to EPA as a result of the court decision in *NRDC* v. *Thomas,* 838 F.2d 1224 (D.C. Cir.), cert. denied, 109 S.Ct. 219 (1988). The EPA has allowed States to move ahead on affected SIP revisions without regard to the remanded section of these rules, but with the caveat that the States must remain aware of the status of these rules, and may be required to take action at a later date to respond to any rule revisions resulting from the remand (see, "Interim Policy on Stack Height Regulatory Actions," J. Craig Potter, April 22, 1988.)

(5) *Existing modeling protocols.* The amended Act requires submittal of a complete SIP 18 months from enactment or nonattainment designation (section

[50] U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, "Guidance Document for Correction of part D SIP's for Nonattainment Areas," (Research Triangle Park, North Carolina: January 27, 1984), page 25.